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09/989,317	11/20/2001	Xavier Mariaud	00RO27054366	9505
27975	7590	11/01/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			LEE, CHRISTOPHER E	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/989,317

Applicant(s)

MARIAUD ET AL.

Examiner

Christopher E. Lee

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Receipt Acknowledgement*

1. Receipt is acknowledged of the Amendment filed on 8<sup>th</sup> of August 2005. Claims 5, 11, 17, 20 and 23 have been amended; no claim has been canceled; and no claim has been newly added since the RCE Non-Final Office Action was mailed on 5<sup>th</sup> of May 2005. Currently, claims 5-22 are pending in this Application.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 10 3. Claims 5-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicants' Admitted Prior Art [hereinafter AAPA].

*Referring to claim 5*, AAPA discloses a computer system (See Fig. 1) comprising:

- a master apparatus (i.e., Master Apparatus A in Fig. 1); and
- a slave apparatus (i.e., Slave Apparatus B in Fig. 1) for communicating with said master apparatus (See page 1, lines 10-22) and communicating via a universal serial bus (USB) protocol (See page 1, lines 22-25), said slave apparatus comprising
  - a sending/receiving circuit (i.e., Send/Receive device 24 of Fig. 1) for sending and receiving binary information to and from said master apparatus (See page 1, line 25 through page 2, line 3; i.e., receiving a message from Master Apparatus, and responding acknowledge signal ACK to Master Apparatus) and supplying status signals based thereon (e.g., supplying Setup, CTR and End\_trans signals shown in Fig. 3\*), and for acknowledging and recording a new message only when a transfer interruption signal

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\* See the specification pages 2-3, Background of the Invention.

(i.e., a flag CTR) is not supplied (i.e., said flag CTR is the logic 0; See page 3, lines 20-29),

- a plurality of state latches (e.g., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 through page 7, line 3) and control circuitry (e.g., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) cooperating therewith for receiving said status signals from said sending/receiving circuit and supplying state signals of said sending/receiving circuit based thereon (See page 7, line 18 through page 8, line 7<sup>†</sup>),
- a microprocessor (i.e., Microcontroller 28 of Fig. 1) for processing applications of said slave apparatus (See page 2, lines 8-13; i.e., wherein in fact that the microcontroller of the slave apparatus has to perform more and more tasks inherently anticipates a processor for processing applications of said slave apparatus) and also for processing said binary information received by said sending/receiving circuit (See page 3, lines 14-26; i.e., wherein in fact that an interruption of the microcontroller to process the part of the transmitted message may be requested inherently anticipates a processor for processing said binary information received by said sending/receiving circuit), and
- an interruption state latch and a control circuit (i.e., means for controlling said flag CTR in Fig. 3(d)) cooperating therewith for supplying an interruption signal (i.e., an interruption when said flag CTR is set to the logic 1 in Fig. 3(d)) to said microprocessor (See page 3, lines 14-20; i.e., wherein in fact that an interruption of said Microcontroller being requested by USB bus anticipates said interruption signal, viz., interruption request when CTR is set to logic 1 in Fig. 3(d), being supplied to said microprocessor) once the end of a message has been acknowledged and for supplying the transfer interruption signal to said microprocessor (i.e., said flag CTR is the logic 1; See page 3, lines 14-20)

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<sup>†</sup> See the specification page 6, line 33 through page 8, line 7, the Applicants admit the portion as a prior art, i.e., about the existing system.

once the start of a new message (e.g., message including SETUP and DATA in the phase 10 of Fig. 3(a)) has been acknowledged and recorded by said sending/receiving circuit (i.e., said CTR being set to the logic 1 after ACK in the phase 10 of Fig. 3(a)) when the microprocessor interruption signal is supplied (See page 3, lines 14-20; i.e., said interruption is supplied for processing the part of the transmitted message).

Referring to claim 6, AAPA teaches said control circuit (i.e., means for controlling said flag CTR in Fig. 3(d)) for controlling said interruption state latch (See page 3, lines 14-26) comprises

- at least one logic circuit (i.e., means for switching/latching signals between “1” and “0” for Setup, CTR and End\_trans signals in Fig. 3) for receiving said status signals (i.e., Setup, CTR and End\_trans signals shown in Fig. 3) from said sending/receiving circuit (i.e., Send/Receive device 24 of Fig. 1) and setting said interruption state latch (i.e., the flag CTR in Fig. 3(d)) to a predetermined logic level (i.e., the logic 1 state) to indicate a microprocessor interruption request (See page 3, lines 14-18).

Referring to claim 7, AAPA teaches

- said control circuitry (i.e., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) for controlling said state latches (i.e., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 through page 7, line 3) prevents said binary information from said sending/receiving circuit (i.e., message from Master Apparatus via Send/Receive device; See page 1, line 25 through page 2, line 3) from being written into said plurality of state latches during receipt of the start of said new message and during the presence of said interruption signal (See phases 12 and 14 in Fig. 3, and page 3, lines 14-29; i.e., wherein in fact that no transfer over the USB bus is authorized during CTR being set to ‘1’ inherently anticipates said control circuitry prevents the binary information

from being written into said plurality of state latches during receipt of the start of said new message and during the presence of said interruption signal).

*Referring to claim 8, AAPA teaches*

- 5
- said master apparatus (i.e., Master Apparatus A in Fig. 1) comprises a central processing unit (i.e., Microcontroller 26 of Fig. 1).

*Referring to claim 9, AAPA teaches*

- 10
- said slave apparatus (i.e., Slave Apparatus B in Fig. 1) comprises computer peripheral device (See page 1, line 3-5).

*Referring to claim 10, AAPA teaches*

- a cable (i.e., cable 20 of Fig. 1) connecting said master apparatus and said slave apparatus (See page 1, lines 10-19).

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*Referring to claim 11, AAPA discloses a computer system (See Fig. 1) comprising:*

- a master apparatus (i.e., Master Apparatus A in Fig. 1); and
- a slave apparatus (i.e., Slave Apparatus B in Fig. 1) for communicating with said master apparatus (See page 1, lines 10-22) and comprising
  - 20     ○ a sending/receiving circuit (i.e., Send/Receive device 24 of Fig. 1) for sending and receiving binary information to and from said master apparatus (See page 1, line 25 through page 2, line 3; i.e., receiving a message from Master Apparatus, and responding acknowledge signal ACK to Master Apparatus) and supplying status signals based thereon (e.g., supplying Setup, CTR and End\_trans signals shown in Fig. 3),

- a plurality of state latches (e.g., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 through page 7, line 3) and control circuitry (e.g., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) cooperating therewith for receiving said status signals from said sending/receiving circuit and supplying state signals of said sending/receiving circuit based thereon (See page 7, line 18 through page 8, line 7), and for acknowledging and recording a new message only when a transfer interruption signal (i.e., a flag CTR) is not supplied (i.e., said flag CTR is the logic 0; See page 3, lines 20-29),
- a microprocessor (i.e., Microcontroller 28 of Fig. 1) for processing applications of said slave apparatus (See page 2, lines 8-13; i.e., wherein in fact that the microcontroller of the slave apparatus has to perform more and more tasks inherently anticipates a processor for processing applications of said slave apparatus) and also for processing said binary information received by said sending/receiving circuit (See page 3, lines 14-26; i.e., wherein in fact that an interruption of the microcontroller to process the part of the transmitted message may be requested inherently anticipates a processor for processing said binary information received by said sending/receiving circuit), and
- an interruption state latch (i.e., a flag CTR in Fig. 3(d)) for supplying an interruption signal (i.e., an interruption when CTR is set to the logic 1 in Fig. 3(d)) to said microprocessor (See page 3, lines 14-20; i.e., wherein in fact that an interruption of said Microcontroller being requested by USB bus clearly anticipates said interruption signal, viz., interruption request when CTR is set to the logic 1 in Fig. 3(d), being supplied to said microprocessor) once the end of a message has been acknowledged and for supplying the transfer interruption signal to said microprocessor (i.e., said flag CTR is the logic 1; See page 3, lines 14-20) once the start of a new message (e.g., message including SETUP and DATA in the phase 10 of Fig. 3(a)) has been acknowledged and recorded by

said sending/receiving circuit (i.e., said CTR being set to the logic 1 after ACK in the phase 10 of Fig. 3(a)) when the microprocessor interruption signal is supplied (See page 3, lines 14-20; i.e., said interruption is supplied for processing the part of the transmitted message),

- 5           ○ said control circuitry (i.e., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) for controlling said state latches (i.e., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 through page 7, line 3) preventing said binary information from said sending/receiving circuit (i.e., message from Master Apparatus via Send/Receive device; See page 1, line 25 through page 2, line 3) from being written into said plurality
- 10           of state latches during receipt of the start of said new message and during the presence of said interruption signal (See phases 12 and 14 in Fig. 3, and page 3, lines 14-29; i.e., wherein in fact that no transfer over the USB bus is authorized during CTR being set to the logic 1 inherently anticipates said control circuitry prevents the binary information from being written into said plurality of state latches during receipt of said start of said
- 15           new message and during the presence of said interruption signal).

*Referring to claim 12, AAPA teaches*

- said master apparatus and said slave apparatus communicate via a universal serial bus (USB) protocol (See page 1, lines 22-25).

*Referring to claim 13, AAPA teaches*

- at least one logic circuit (i.e., means for switching/latching signals between “1” and “0” for Setup, CTR and End\_trans signals in Fig. 3) for receiving said status signals (i.e., Setup, CTR and End\_trans signals shown in Fig. 3) from said sending/receiving circuit (i.e., Send/Receive device



24 of Fig. 1) and setting said interruption state latch (i.e., the flag CTR in Fig. 3(d)) to a predetermined logic level (i.e., the logic 1 state) to indicate a microprocessor interruption request (See page 3, lines 14-18).

5        *Referring to claim 14, AAPA teaches*

- said master apparatus (i.e., Master Apparatus A in Fig. 1) comprises a central processing unit (i.e., Microcontroller 26 of Fig. 1).

*Referring to claim 15, AAPA teaches*

- 10        • said slave apparatus (i.e., Slave Apparatus B in Fig. 1) comprises computer peripheral device (See page 1, line 3-5).

*Referring to claim 16, AAPA teaches*

- 15        • a cable (i.e., cable 20 of Fig. 1) connecting said master apparatus and said slave apparatus (See page 1, lines 10-19).

*Referring to claim 17, AAPA discloses a slave apparatus (i.e., Slave Apparatus B in Fig. 1) for communicating with a master apparatus (i.e., Master Apparatus A in Fig. 1; See page 1, lines 10-22) via a universal serial bus (USB) protocol (See page 1, lines 22-25), said slave apparatus comprising:*

- 20        • a sending/receiving circuit (i.e., Send/Receive device 24 of Fig. 1) for sending and receiving binary information to and from said master apparatus (See page 1, line 25 through page 2, line 3; i.e., receiving a message from Master Apparatus, and responding acknowledge signal ACK to Master Apparatus) and supplying status signals based thereon (e.g., supplying Setup, CTR and End\_trans signals shown in Fig. 3);

- a plurality of state latches (e.g., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 through page 7, line 3) and control circuitry (e.g., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) cooperating therewith for receiving said status signals from said sending/receiving circuit and supplying state signals of said sending/receiving circuit based thereon (See page 7, line 18 through page 8, line 7), and for acknowledging and recording a new message only when a transfer interruption signal (i.e., a flag CTR) is not supplied (i.e., said flag CTR is the logic 0; See page 3, lines 20-29);
- a microprocessor (i.e., Microcontroller 28 of Fig. 1) for processing applications of said slave apparatus (See page 2, lines 8-13; i.e., wherein in fact that the microcontroller of the slave apparatus has to perform more and more tasks inherently anticipates a processor for processing applications of said slave apparatus) and also for processing said binary information received by said sending/receiving circuit (See page 3, lines 14-26; i.e., wherein in fact that an interruption of the microcontroller to process the part of the transmitted message may be requested inherently anticipates a processor for processing said binary information received by said sending/receiving circuit); and
- an interruption state latch (i.e., a flag CTR in Fig. 3(d)) and a control circuit (i.e., means for controlling said flag CTR in Fig. 3(d)) cooperating therewith for supplying an interruption signal (i.e., an interruption when CTR is set to '1' in Fig. 3(d)) to said microprocessor (See page 3, lines 14-20; i.e., wherein in fact that an interruption of said Microcontroller being requested by USB bus clearly anticipates said interruption signal, viz., interruption request when CTR is set to '1' in Fig. 3(d), being supplied to said microprocessor) once the end of a message has been acknowledged and for supplying the transfer interruption signal to said microprocessor (i.e., said flag CTR is the logic 1; See page 3, lines 14-20) once the start of a new message (e.g., message including SETUP and DATA in the phase 10 of Fig. 3(a)) has been acknowledged and recorded

by said sending/receiving circuit (i.e., said CTR being set to the logic 1 after ACK in the phase 10 of Fig. 3(a)) when the microprocessor interruption signal is supplied (See page 3, lines 14-20; i.e., said interruption is supplied for processing the part of the transmitted message).

5        *Referring to claim 18*, AAPA teaches said control circuit (i.e., means for controlling said flag CTR in Fig. 3(d)) for controlling said interruption state latch (See page 3, lines 14-26) comprises

- at least one logic circuit (i.e., means for switching/latching signals between “1” and “0” for Setup, CTR and End\_trans signals in Fig. 3) for receiving said status signals (i.e., Setup, CTR and End\_trans signals shown in Fig. 3) from said sending/receiving circuit (i.e., Send/Receive device 10 24 of Fig. 1) and setting said interruption state latch (i.e., the flag CTR in Fig. 3(d)) to a predetermined logic level (i.e., the logic ‘1’ state) to indicate a microprocessor interruption request (See page 3, lines 14-18).

*Referring to claim 19*, AAPA teaches

- said control circuitry (i.e., Multiplexers 38R0, 38R1 or 38T0, 38T1 in Fig. 2) for controlling said state latches (i.e., D-type state latches 32R0, 32R1 or 32T0, 32T1 in Fig. 2; See page 6, line 33 15 through page 7, line 3) prevents said binary information from said sending/receiving circuit (i.e., message from Master Apparatus via Send/Receive device; See page 1, line 25 through page 2, line 3) from being written into said plurality of state latches during receipt of the start of said new 20 message and during the presence of said interruption signal (See phases 12 and 14 in Fig. 3, and page 3, lines 14-29; i.e., wherein in fact that no transfer over the USB bus is authorized during CTR being set to ‘1’ inherently anticipates said control circuitry prevents the binary information from being written into said plurality of state latches during receipt of the start of said new message and during the presence of said interruption signal).

Referring to claim 20, AAPA discloses a method of processing interruptions (See page 3, lines 14-26) in a slave apparatus (i.e., Slave Apparatus B in Fig. 1) communicating with a master apparatus (i.e., Master Apparatus A in Fig. 1) via a universal serial bus (USB) protocol (See page 1, lines 22-25),

5 said method comprising:

- sending and receiving binary information to and from said master apparatus via a sending/receiving circuit (i.e., Send/Receive device 24 of Fig. 1; See page 1, line 25 through page 2, line 3; i.e., receiving a message from Master Apparatus, and responding acknowledge signal ACK to Master Apparatus) and supplying status signals based thereon (e.g., supplying Setup, CTR and End\_trans signals shown in Fig. 3), said sending/receiving circuit (i.e., said Send/Receive device) acknowledging and recording a new message only when a transfer interruption signal (i.e., a flag CTR) is not supplied (i.e., said flag CTR is the logic 0; See page 3, lines 20-29);
- generating state signals of said sending/receiving circuit based upon said status signals (See page 15 7, line 18 through page 8, line 7);
- processing applications of said slave apparatus (i.e., SW Process 'main routine' in Fig. 3(e)) and also processing said binary information received by said sending/receiving circuit (See page 3, lines 24-26); and
- supplying an interruption signal (i.e., CTR being set to '1' in Fig. 3(d)) to a microprocessor of 20 said slave apparatus (i.e., Microcontroller 28 of said Slave Apparatus B in Fig. 1; See page 3, lines 14-20, wherein in fact that an interruption of said Microcontroller being requested by USB bus clearly anticipates said interruption signal, viz., interruption request when CTR is set to '1' in Fig. 3(d), being supplied to said microprocessor) once the end of a message has been acknowledged and for supplying the transfer interruption signal to said microprocessor (i.e., said

flag CTR is the logic 1; See page 3, lines 14-20) once the start of a new message (e.g., message including SETUP and DATA in the phase 10 of Fig. 3(a)) has been acknowledged and recorded by said sending/receiving circuit (i.e., said CTR being set to the logic 1 after ACK in the phase 10 of Fig. 3(a)) when the microprocessor interruption signal is supplied (See page 3, lines 14-20; i.e., said interruption is supplied for processing the part of the transmitted message).

*Referring to claim 21, AAPA teaches*

- supplying said interruption signal comprises setting an interruption state latch (i.e., the flag CTR in Fig. 3(d)) to a predetermined logic level (i.e., the logic '1' state) based upon said status signals (i.e., Setup, CTR and End\_trans signals shown in Fig. 3) to indicate a microprocessor interruption request (See page 3, lines 14-18).

*Referring to claim 22, AAPA discloses a method of processing interruptions (See page 3, lines 14-26) in a slave apparatus (i.e., Slave Apparatus B in Fig. 1) communicating with a master apparatus (i.e., Master Apparatus A in Fig. 1) via a universal serial bus (USB) protocol (See page 1, lines 22-25), said method comprising:*

- generating a state signal indicating the end of a message (See page 1, line 26 through page 2, line 6);
- detecting a start of a new message (i.e., message 'IN' signal in Fig. 3(a)) from said master apparatus (See page 2, lines 7-10) and producing a start of message state signal (i.e., 'ready' state signal);
- acknowledging and recording said new message if a transfer interruption signal (i.e., a flag CTR) is not supplied (i.e., said flag CTR is the logic 0; See page 3, lines 20-29);

- supplying the transfer interruption signal to said microprocessor (i.e., said flag CTR is the logic 1; See page 3, lines 14-20) once the start of a new message (e.g., message including SETUP and DATA in the phase 10 of Fig. 3(a)) has been acknowledged and recorded (i.e., said CTR being set to the logic 1 after ACK in the phase 10 of Fig. 3(a));

5 • generating a signal (i.e., flag CTR in Fig. 3(d)) indicating completion (i.e., CTR being set to '0' in Fig. 3(d)) of recordation of said data from the start of said new message (See page 3, lines 14-26); and

• generating an interruption signal (i.e., an interruption when CTR is set to '1' in Fig. 3(d)) for a microprocessor of said slave apparatus (i.e., Microcontroller 28 of said Slave Apparatus B in Fig. 1; See page 3, lines 14-20, wherein in fact that an interruption of said Microcontroller being requested by USB bus clearly anticipates said interruption signal, viz., interruption request when CTR is set to '1' in Fig. 3(d), being supplied to said microprocessor) in the presence of said state signal indicating the end of said message, the start of message state signal, and said signal indicating completion of recordation of said data from the start of said new message when the microprocessor interruption signal is supplied (See page 3, lines 14-20; i.e., wherein in fact that at the end of transfer phase, an interruption of the microcontroller to process the part of the transmitted message may be requested inherently anticipates generating an interruption signal in the presence of said state signal indicating the end of said message (i.e., CTR being set to '1'), the start of message state signal (i.e., 'ready' state signal), and said signal indicating completion of recordation of said data from the start of said new message when the microprocessor interruption signal is supplied).

#### *Response to Arguments*

4. Applicants' arguments with respect to claims 5, 11, 17, 20, and 22 have been considered but are moot in view of the new ground(s) of rejection.

In fact, the Applicants argue with the new issues being drawn to the limitations which had not been considered in the prior Office Action. However, the extended scope of the claimed invention is anticipated by AAPA, and thus, the Applicants' argument on this point is moot in view of further consideration requirement.

5

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX

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MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The examiner can normally be reached on 9:30am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http://pair-](http://pair-direct.uspto.gov)

- 5 direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher E. Lee  
Examiner  
Art Unit 2112

CEL/ 

10

  
Glenn A. Auve  
Primary Patent Examiner  
Technology Center 2100